Senate File 409 - Introduced

SENATE FILE 409
BY COMMITTEE ON TRANSPORTATION

(SUCCESSOR TO SSB 1138)

A BILL FOR

- 1 An Act restricting the practice of parking and displaying motor
- vehicles for sale, hire, or rental on public or private
- 3 property and providing for local enforcement.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

- Section 1. <u>NEW SECTION</u>. 321.361A Parking motor vehicle for 2 sale, hire, or rental restricted local enforcement.
- 3 1. A person shall not park a motor vehicle on a street or
- 4 highway, a public parking lot, or other public property, or on
- 5 private property where the public has the right to travel by
- 6 motor vehicle, other than the principal place of business of a
- 7 motor vehicle dealer as designated under chapter 322, for the
- 8 principal purpose and intent of displaying the motor vehicle
- 9 for sale, hire, or rental unless the display of the vehicle
- 10 for sale, hire, or rental is specifically authorized for that
- 11 location by local ordinance or regulation and the person is in
- 12 compliance with all applicable municipal or county licensing
- 13 requirements.
- 2. Subsection 1 does not prohibit a person from parking
- 15 the person's own motor vehicle or other personal property on
- 16 any private real property which the person owns or leases,
- 17 or on any private real property owned or leased by another
- 18 person, with permission of the owner, or on the public
- 19 street immediately adjacent to such private real property
- 20 in conformance with applicable parking regulations, for the
- 21 principal purpose and intent of sale, hire, or rental, unless
- 22 such parking is prohibited by local ordinance.
- 23 3. Subsection 1 does not prohibit a licensed motor vehicle
- 24 dealer from displaying motor vehicles at locations other than
- 25 the dealer's licensed location as provided in section 322.5.
- 26 4. A city or county may adopt an ordinance providing for
- 27 enforcement of this section. Enforcement provisions may
- 28 include but shall not be limited to the following:
- 29 a. The issuance of citations.
- 30 b. The assessment of fines.
- 31 c. The removal of motor vehicles parked in violation of this
- 32 section, including removal from private property at the request
- 33 of the private property owner, and the storage of such motor
- 34 vehicles.
- 35 d. A process for identifying the owner of a motor vehicle

- 1 which has been towed and providing notice to the owner of the
- 2 requirements for release of the motor vehicle, including notice
- 3 of any deadline imposed for the owner to reclaim the motor
- 4 vehicle.
- 5 e. Requirements for release of a motor vehicle, which may
- 6 be conditioned on the payment of a fine and reimbursement
- 7 for towing, storage, and other costs incurred by the city or
- 8 county. The person claiming the vehicle shall provide proof
- 9 of ownership or, if the person claiming the vehicle is not the
- 10 owner of record, the person shall produce the certificate of
- 11 title showing ownership of the vehicle.
- 12 f. A process for sale or disposal of motor vehicles or other
- 13 personal property not claimed by the owner in a timely manner.
- 14 5. The owner of private real property, a city or county,
- 15 or an agent authorized to act on behalf of a city or county,
- 16 shall not be liable for damage to a motor vehicle or personal
- 17 property in the vehicle caused by the removal or storage of the
- 18 motor vehicle pursuant to this section.
- 19 6. This section does not prohibit a city or county from
- 20 exercising the authority granted under section 321.89 with
- 21 respect to any vehicle that meets the definition of an
- 22 abandoned vehicle.
- 23 EXPLANATION
- 24 This bill addresses the practice of displaying motor
- 25 vehicles which are for sale by owner at highly visible
- 26 locations on public or private property.
- 27 The bill prohibits a person from parking a motor vehicle
- 28 on a street or highway, a public parking lot, or other public
- 29 property or on private property where the public has the right
- 30 to travel by motor vehicle, other than the principal place of
- 31 business of a motor vehicle dealer, for the principal purpose
- 32 and intent of displaying the motor vehicle for sale, hire, or
- 33 rental except in compliance with local regulations. The bill
- 34 does not prohibit a person from displaying a motor vehicle
- 35 on the person's own property or on other private property

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- 1 with permission of the owner, including the public street
- 2 immediately adjacent to such property, unless prohibited by
- 3 local ordinance. Current law applicable to the display of
- 4 motor vehicles for sale by a licensed motor vehicle dealer is
- 5 not affected by the bill.
- 6 The bill authorizes enforcement of the new parking
- 7 restrictions by cities and counties. Pursuant to a city or
- 8 county's ordinance, enforcement provisions may include the
- 9 issuance of citations; assessment of fines; removal of vehicles
- 10 from public property or from private property at the property
- 11 owner's request; storage of impounded vehicles; a process for
- 12 identifying a motor vehicle's owner and notifying the owner of
- 13 requirements and deadlines for reclaiming an impounded vehicle;
- 14 requirements for providing proof of ownership or, if the person
- 15 claiming the vehicle is not the owner of record, producing
- 16 the certificate of title showing ownership of the vehicle, as
- 17 a condition for release of a vehicle; reimbursement by the
- 18 owner of a motor vehicle for the towing, storage, and other
- 19 costs incurred by the city or county; and a process for sale or
- 20 disposal of a motor vehicle and any personal property found in
- 21 a vehicle which is not claimed by the owner.
- 22 The bill provides that the owner of private property, a city
- 23 or county, or an agent authorized to act on behalf of a city or
- 24 county, shall not be held liable for damage to a motor vehicle
- 25 or personal property in the vehicle caused by the removal or
- 26 storage of the vehicle authorized under the bill.
- 27 The bill specifies that the authority of cities and counties
- 28 with respect to abandoned vehicles is not affected by the bill.